



Amendment Policy, Pricing, Procedures & Forms Packet

General Instructions & Coversheet

- In order to assess and process any amendment request **you must first review and complete this informational packet** and submit the appropriate attached forms.
- Never write on your trust as this does not constitute a valid amendment.
- Amendments are usually only necessary to change the terms of the trust (i.e. trustees &/or beneficiaries) and are generally not needed for a change in assets (unless such asset is or needs to be earmarked for a specific person.) Sometimes it involves changing the structure of a Married Trust (you can learn on our website Why Most Married Couples No Longer Need or Want An AB Trust).
- Many times it makes more sense to conduct a complete review and we strongly advise a full review if you have an aging trust, an AB Trust or your holdings or circumstances have changed significantly (see our website for more). A review is generally required if your trust is more than 3-5 years without a review.
- Submitting an amendment request does not mean we agree to complete the amendment as we must first review your request for which you should allow up to 15 business days. (Any payments will be returned if we decline to proceed.)
- If Our Response or Turnaround Time Does Not Meet Your Requirements You Should Immediately Seek Other Legal Counsel That Can Better Respond To Your Needed Timeline.
- **PLEASE NOTE: YOU DO NOT NEED TO NOTARIZE THIS FORM**

Typical Amendment Pricing

For most clients amendments are typically confined to a desire to change successor trustees and/or change the distribution of assets at death (who gets what, when) – and many times both. Below is our typical pricing:

- \$300 to Amend Nomination of Successor Trustees & Executors
- \$400 minimum to Amend Gift, Inheritance & Beneficiary Provisions
- \$450 minimum to do Both of the Above

Note: The above pricing only applies to amendments we draft and send to you by email or in the mail to execute and notarize outside our office. Higher charges apply for in-office amendments (see below).

Higher Charges Apply for Amendments That Are Lengthy, Complex, or Involve Excluding Children or Otherwise Completed In-Office: While many (if not most) amendments can be completed for the minimums quoted above, if a proposed amendment is judged (in our complete discretion) to be overly lengthy, complex, or involves excluding or largely excluding children, then higher rates will apply. Also, anyone insisting on 1) bypassing our normal process or 2) completing the amendment in-office or 3) signing and notarizing the amendment at our office will incur a charge of at least \$800 and additional charges will apply if you must meet and sign with the attorney. Help us keep our charges to a minimum by first submitting our amendment request forms and using our normal process.

Send us your amendment request forms one of three ways:

Physical Delivery	Fax	Email
Affordable Living Trusts 14567 Big Basin Way; Suite A1 Saratoga, CA 95070-6039 Ph 408-741-1627	(408) 519-6462	trustoffices@gmail.com Must submit a completed, signed scanned copy of all required documents in a PDF file format only (no JPEG or TIFF)

Designation of New Successor Trustees

This Form Must Be Completed, Signed & Submitted If You Wish To Nominate New Successor Trustees

Some Suggestions & Notes When Nominating Trustees: Please note that designating someone as a successor trustee does not entitle them to any part of (or more of) your estate (though a trustee can also be a beneficiary). In designating successor trustees we find most clients choose one of their children (unless the child is a minor). Nominating someone as successor trustee does not mean they must serve (they can always decline). Whoever you choose, make sure it is someone you believe to be absolutely trustworthy and fair (the most important criteria). As a practical matter, if all else is equal, lean towards choosing someone geographically close to you. Although you are free to nominate co-successor trustees, we'd like to make you aware that our **experience indicates that as a rule, multiple co-trustees often tend to lengthen, drive up the cost, and complicate the ultimate administration of the trust.** Matters seem to follow this pattern every time we encounter a trust where a number of, or all of the children are named as co-trustees. That said, multiple co-trustees are appropriate if you believe a single trustee needs the checks and balances of a fellow co-trustee. In other words, there is a potential issue with one being fair and trustworthy (which is a strong argument against being nominated as a trustee at all).

Please Name Below Your New Choices For Successor Trustee:

Note: In cases of a married trust the surviving spouse is the first successor trustee so the choices below only apply after the surviving spouse. **Please Print Clearly**

First Choice: _____

Second (Backup) Choice: _____

Third (Backup) Choice (Not Required): _____

Nominating Guardians For Your Minor Children (if any)

I Have Minor Children & Want The Guardians to be the Same as the Successor Trustees

I Have Minor Children & Wish the Guardians to be different from the Successor Trustees per Below

First Choice: _____

Second Choice: _____

Required: Please Sign Below If You Are Requesting A Change of Trustee

By my signature below I confirm that I wish to change the nomination of successor trustees (& guardians if applicable) as stated above. If this is your choice sign below (**signatures of both husband and wife required if a married trust amendment request**).

Date

Signature

Signature of Spouse (if applicable)

This Form Must Be Completed, Signed & Submitted If You Wish To Make Distribution Changes

Some Suggestions in Structuring Distributions Of The Trust Estate

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Required: Please Sign Below If You Are Requesting A Distribution Change

Signatures of both husband and wife required if a married trust amendment.

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Checklist, Contact Info, Signatures & Payment

This Form Must Be Completed, Signed & Submitted With Any Amendment Request

Please Be Sure To Submit The Following (Use As Your Checklist):

This Contact Info, Checklist, Payment & Acknowledgement Form completed and signed.

Change of Trustee Form: Submit this form if requesting a change in successor trustee

Change of Distribution Form: Submit this form if requesting a change in distribution.

Payment by Check or Credit Card Info Must Be Submitted (see below to pay by credit)

- \$300 to Amend Nomination of Successor Trustees & Executors
- \$400 to Amend Gift, Inheritance & Beneficiary Provisions
- \$450 for both of the Above

Contact Information

Date of Original Trust Creation (important): _____

Last Name(s): _____

First Name(s): _____

Current Address: _____

City: _____ St: _____ Zip: _____

Home Phone: _____ Work/other Phones: _____

Other Phone(s) _____

E-Mail Addresses (print clearly): _____

Payment: Checks should be made out to: Landis Mahaffey

Credit Card Information – ☐ VISA or ☐ MasterCard Only

Required If Faxing or Emailing Your Amendment Request

Credit Card # _____ Exp. Date _____

Name On Card: _____

CVC2 Security Code On Back _____ Billing Zip Code _____

Authorized Signature _____ Dated _____

By my signature above I hereby authorize Affordable Living Trusts to charge my credit card one of the amounts that is listed above \$300; \$400 or \$450 as is appropriate for the type of amendment I am requesting.

Please Sign Below (acknowledgement):

I also acknowledge **1) that I have read and understand the attached amendment policies along with other material in this packet and 2) that I am declining a full review** against our strong advice to do so for any trust over 5 years old (or sooner if there is a major change in circumstances) and **3) that any services will be confined strictly to preparation of the amendment** without review of any other area of your trust, estate or circumstances and that if I want more I must engage your services for a full review. **(Signatures of both husband and wife required if a married trust)**

Date

Signature

Signature of Spouse (if applicable)